

CITY OF BRAWLEY
January 7, 2020

The City Council of the City of Brawley, California met in regular session at 6:00 PM, City Council Chambers, 383 Main, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

Mayor Kastner-Jauregui called meeting to order at @ 6:00 PM

PRESENT: Couchman, Hamby, Kastner-Jauregui, Nava, Wharton
ABSENT: None

INVOCATION Mayor Pro Tempore Hamby

PLEDGE OF ALLEGIANCE CM Wharton

1. APPROVAL OF AGENDA

The agenda was **approved** as submitted. m/s/c Hamby/Wharton 5-0

2. PUBLIC APPEARANCES/COMMENTS (Not to exceed 4 minutes) this is the time for the public to address the Council **on any item not appearing on the agenda** that is within the subject matter jurisdiction of the City Council. The Mayor will recognize you and when you come to the microphone, please state your name for the record. You are not allowed to make personal attacks on individuals or make comments which are slanderous or which may invade an individual's personal privacy. **Please direct your questions and comments to the City Council.**

- a. **Shawn Rizzuto, Caltrans District 11**, updated the City Council on the mud pots and briefed them on a new emergency contract that is currently being pursued just west of Brawley City Limits. Community outreach is underway to inform the public about upcoming repair work and detours.
- b. **Gil Rebollar, Brawley resident, BESD Trustee and APCD staff member**, thanked Mayor Pro Tempore Hamby for participating and help in coordinating the winter clothing drive, churros and coffee that took place on Saturday, January 4th at Brownies Diner. He thanked Police Chief Sawyer for getting the word out and facilitating donations. The Village at Brawley Union High School accepted adult clothing and the children's clothing will be donated directly to the Elementary Schools. Valley Dry Cleaning has offered to clean the clothes. The Imperial County Air Pollution Control District just released a first ever calendar and copies were distributed. Students from throughout the valley participated in a drawing contest on what clean air means to them.
- c. **Ryan Kelley, Imperial County Board of Supervisors District 4**, announced a response was received from the State of California Natural Resources Agency and Environmental Protection Agency re: the emergency declaration. Governor Newson will be releasing his proposed budget and it will include \$220 million more dollars for Salton Sea restoration.
- d. **Misty Lee, Executive Director for the Boys & Girls Club of Imperial Valley**, provided an update on the Teen Program and the partnership with the City. The Club's goal is to have 50-75 kids per day registered. Teens are provided with an outcome driven, high-quality club experience, caring adults and programs. Homework help and tutoring encourages them to become self-directed learners. The program provides computers, printers and in partnership with ICOE, free Wi-Fi is offered. A comprehensive health and wellness program aims to improve overall health. The Club will be starting the career launch program with the Ocotillo Wind Education Fund which prepares teens for the world of work but allows them to explore vocations and sound educational decisions to help them find success, Boys & Girls Club is a

nonprofit that relies solely on donations from the community and grants. It operates on a strict budget. Based on the previous MOU with the City, the fiscal year ends June 30th. The Club respectfully requests that the City Council consider allowing it to continue to operate programs throughout the remainder of this fiscal year at no cost for use of the space.

- e. **Ramon Castro, Ernie Mariscal and Raymond Gonzales, American Legion members,** announced the planning of the first Veterans Festival that will take place on April 4th. Information on health and wellness benefits for veterans will be featured and the, location of event will be the vacant lot next to Katie Santillan's property on Panno and Highway 86.

3. SPECIAL PRESENTATION

- a. Recognition of Brawley Residents, Rotary Interact Club and Kiwanis Club Members for the Hinojosa Park Tree Stewardship Training.

Mayor and Council presented Certificates of Recognition to community members that participated in the tree planting at Hinojosa Park on November 16, 2019 and completed tree stewardship training. These included BUHS Rotary Student Interact Club Members Brendon Garibay, Fernanda Flores, Sarah Huang, Ximena Torres, Alexia Renteria and BUHS Kiwanis Key Club Member Octavio Cardenas, Community Members Maria Teresa Chabolla, Michael Noriega, Robin Kelley, Bridget Kelley and Conor Kelley, Parks & Rec Commissioners Mary Miller and Julio Jauregui, County of Imperial Air Pollution Control District (APCD) Representative Gil Rebollar and County Supervisor Ryan Kelley.

- 4. CONSENT AGENDA** Items are approved by one motion. Council Members or members of the public may request consent items be considered separately at a time determined by the Mayor.

The consent agenda was **approved** as submitted. m/s/c Wharton/Couchman 5-0

AYES:	Couchman, Hamby, Kastner-Jauregui, Nava, Wharton
NAYES:	None
ABSENT:	None
ABSTAIN:	None

- a. **Approved** Accounts Payable: December 5, 2019, December 12, 2019 and December 19, 2019.
- b. **Approved** City Council Minutes: November 5, 2019, November 19, 2019 and December 3, 2019.
- c. **Approved** 2nd Reading of Ordinance No. 2019-06: Ordinance of the City Council of the City of Brawley, California, Amending the Brawley Municipal Code to Change the Zoning Designation for Specified Properties.
- d. **Adopted** Resolution No. 2020-01: Resolution of the City Council of the City of Brawley, California Amending Fiscal Year 2019/2020 City of Brawley Budget for the Parks & Recreation Department for \$11,683.00.
- e. **Authorized** Contract Change Order No. 003 to Contract 2018-05 Streets Rehabilitation Phase 11 (Construction) for \$0.00 to Aggregate Products, Inc. with a Contract Time Extension of 53 Calendar Days.
- f. **Rejected** Claim as recommended by Carl Warren & Company Claims Management Adjusters for Claimant: Arturo Beltran.

5. PUBLIC HEARING

- a. Conduct the Public Hearing under the Requirements of the Tax and Equity Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended (the "Code").

City Manager Bayon Moore reported that a correction to the noticing period was necessary. It is staff's recommendation to rescind the prior resolution, hold a new public hearing and consider action on a new resolution.

OPENED PUBLIC HEARING @ 7:32 pm

There were no comments.

CLOSED PUBLIC HEARING @ 7:33 pm

- 1) Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Rescinding Resolution No. 2019-54.

The City Council **approved** Resolution No. 2020-02: Resolution of the City Council of the City of Brawley, California rescinding Resolution No. 2019-54. m/s/c Couchman/Wharton 5-0

- 2) Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Approving, Authorizing and Directing Execution of a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority and Approving the Issuance of Revenue Bonds by the Authority for the Purpose of Financing or Refinancing the Acquisition, Construction and Improvement of Certain Facilities for the Benefit of Brawley Pacific Associates Iii, a California Limited Partnership.

The City Council **approved** Resolution No. 2020-03: Resolution of the City Council of the City of Brawley, California Approving, Authorizing and Directing Execution of a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority and Approving the Issuance of Revenue Bonds by the Authority for the Purpose of Financing or Refinancing the Acquisition, Construction and Improvement of Certain Facilities for the Benefit of Brawley Pacific Associates Iii, a California Limited Partnership. m/s/c Couchman/Wharton 5-0

6. REGULAR BUSINESS

- a. Discussion and Potential Action to Authorize Professional Engineering Services Agreement with Lee & Ro Engineering, Inc. for Rancho Los Lagos Water Impact Study in an Amount Not to Exceed \$35,852.00.

Staff Report – Guillermo Sillas, Public Works Director

Rancho Los Lagos, LLC entitled a project in unincorporated Imperial County. The project aims to be served by the City of Brawley's Water Treatment Plant. The project area is located outside the City's water service area. Because the City of Brawley is the plant in closest proximity, LAFCo has informed the City of Brawley of the obligation per State of California policy to serve the area with potable water. The City has approached Rancho Los Lagos to provide to absorb the cost of the water study on a percentage basis, which amounts to 25% of the total cost of study. When calculated, the amount charged to Rancho Los Lagos Development is \$8,958.00. This study would increase shared knowledge in a number of ways and allow both parties to move forward with the development.

CM Wharton asked about the cost the City is covering.

PW Director Sillas advised that the developer is covering 25% and the City is covering the remaining 75%.

City Manager Bayon Moore stated that payment on pro rata basis was determined based on the scope of work. That portion that only benefits Rancho Los Lagos Project was determined to be 25%. The remainder is 75% and is information that is helpful to the City in planning for increased water demands.

The City Council **authorized** the Professional Engineering Services Agreement with Lee & Ro Engineering Inc. for the Rancho Los Lagos Water Impact Study in an amount not to exceed \$35,852.00. m/s/c Nava/Couchman 5-0

- b. Discussion and Potential Action to Approve Expenditure Plan and City Council Resolution No. 2020- : Resolution of the City Council of the City of Brawley, California Accepting Grant Funds from the State of California Citizen's Option for Public Safety (COPS) FY 2017-2018 through the State of California Local Safety and Protection Account.

Staff Report – Robert Sawyer, Police Chief

The Brawley Police Department identified resources available to the City through the Citizen's Option for Public Safety (COPS) grant funding. Currently, fund balances are \$155,152.48 for FY 2017-2018 which are available for distribution to the City. The grant offers the City the ability to use the funding towards frontline police services and equipment that are necessary to perform duties on an annual basis. This particular request will be used for communication services and equipment as part of the Nexgen upgrade and the ongoing cost for communication devices through IVECA for the radio systems.

The City Council **approved** Resolution No. 2020-04: Resolution of the City Council of the City of Brawley, California Accepting Grant Funds from the State of California Citizen's Option for Public Safety (COPS) FY 2017-2018 through the State of California Local Safety and Protection Account. m/s/c Nava/Hamby 5-0

- c. Discussion and Potential Action re: Mayoral Appointment of City Council Members to Boards, Commissions and Committees for 2020.

**MAYORAL APPOINTMENTS TO
BOARDS, COMMISSIONS & COMMITTEES WITH COUNCIL REPRESENTATION
January 07, 2020**

<u>Boards/Commissions/Committees</u>	<u>Delegate</u>	<u>Alternate</u>
Brawley Chamber of Commerce Board of Directors	Hamby	Bayon Moore
Imperial County Air Pollution District Board of Directors	Couchman	Kastner-Jauregui
Imperial County Emergency Food & Shelter Program (EFSP)	Kastner-Jauregui	Wharton
Imperial County Film Commission	Kastner-Jauregui	Hamby
Imperial County Transportation Commission (ICTC)	Nava	Wharton
Imperial County Local Transportation Authority (LTA)	Nava	Wharton
Imperial County Service Authority for Freeway Emergencies (SAFE)	Nava	Wharton
League of California Cities	Kastner-Jauregui	Wharton
North County Coalition of the Arts (NOCCA)	Couchman	Kastner-Jauregui
Imperial County Community & Economic Development	Couchman	Nava
Abandoned Vehicle Abatement Joint Powers Authority (AVAJPA)	Gaste	Escalante
California Joint Powers Insurance Authority (CJPIA)	Nava	Wharton
Southern California Assn. of Governments (SCAG) General Assembly Delegate	Nava	Wharton
Association of California Cities Allied with Prisons (ACCAP)	Nava	Kastner-Jauregui
Airport Advisory Commission	Wharton	Couchman

Imperial Valley Housing Authority
Library Board of Trustees
Parks & Recreation Advisory Commission/Youth Commission
Planning Commission

Kastner-Jauregui	Wharton
Hamby	Couchman
Hamby	Kastner-Jauregui
Hamby	Kastner-Jauregui

- d. Discussion and Staff Direction re: Vacancy on City of Brawley Parks & Recreation Commission for Term Ending June 30, 2021.

The City Council **directed** staff to advertise and bring applicants to a future meeting.

7. INFORMATIONAL REPORTS

- a. Record of Building Permits for November 2019 in the City of Brawley, Prepared by Oscar Escalante, Interim Building Official.

8. DEPARTMENTAL REPORTS

- a. Monthly Staff Report for January 2020, Prepared by Personnel & Risk Management Administrator Shirley Bonillas.
- b. Update by Public Works Director Guillermo Sillas, PE
- i) Emergency Construction at the Brawley Water Treatment Plant 1) to Replace Components of Two Sedimentation Basins and 2) to Recondition Water Distribution Pumps and Motors 422 and 423.

Delays have been encountered with the contractor. We have requested a revised plan to recover lost time.

- 2) On December 17, 2019, the contractor delivered pump 422 to the WTP for installation. There were problems with a gasket and the shaft did not fit. They returned December 20th with another gasket and the fixed shaft for installation. The pump 422 installation was completed. Pump 423 was removed and was taken to the shop for rebuild. On January 6, 2020, the contractor informed that the company doing the coating is working on the column sandblasting closed during the holidays and are just returning. Once they complete the sandblasting, they will know if the column pipe requires any replacement. The motor is fine and just needs to be reconditioned rather than rewound. The impeller was very damaged and that most likely caused the damage they found to the drive-end of the motor. Repairing that will require a little more machine work than anticipated so there will be a small price difference estimated at \$2000. Once the column's condition is confirmed, they will have a good idea of when they can schedule installation.

- ii) Emergency Installation of Traffic Signal at Cesar Chavez and Main Street.

The permanent cabinet was installed on December 12, 2019 and everything is working properly. This is the last report on the emergency project.

9. CITY TREASURER REPORT

- a. Investment Portfolio Report as of September 30, 2019.

Power Point Presentation – Tyler Salcido, Finance Director

- PowerPoint presentation on file with the Office of the City Clerk.

10. CITY COUNCIL MEMBER REPORTS

- Couchman:** Attended Tree Lighting Ceremony, Coin Collecting presentation at the Library, Fundraiser at the Stockmen's Club for Claddagh Club, Market Days and parade in Imperial, Gun Show in Yuma and many activities during the holidays.
- Nava:** Attended the Tree Lighting Ceremony, Angel Tea Party, wrote letters of recommendation for some students applying for college.
- Wharton:** Attended the Tree Lighting Ceremony, Angel Tea Party and looks forward to 2020
- Hamby:** Attended Chamber Board Meeting, Winter Clothing Drive at Brownies. Fielded concerns about City's financial constraints, changes in service levels, building inspector staffing changes, homelessness in the colder weather. Received some positive comments from acquaintances and friends that things are looking cleaner and nicer. Less fireworks but more gunfire on New Year's Eve were observed.
- Kastner-Jauregui:** Attended the Tree Lighting Ceremony, Angel Tea Party, Pure Gro Community Meeting, Imperial Valley Cancer Support Center Fundraiser, Senior Center Club Meeting and informed them of recent changes. Attended Film Commission premiere opening of Jumanji. Accepted an invitation by the City of El Centro to meet the new Consulate of Calexico and the new Mayor of Mexicali. On January 31st, presented a Mayor of the Day Certificate to Mary Hartfield, a 43 year employee of Vons.

11. CITY MANAGER REPORT

- Public Works once again engaged in an emergency repair of Allen Street. The Public Works team was re-assembled just as the work week was ending. This exact area is scheduled for a permanent fix and is currently out to bid.
- Police and Fire Departments also had an extremely busy two week window. The Police Department addressed a number of significant events. It was a difficult stretch as the City began to schedule transitions with reduced staffing levels.

12. CITY ATTORNEY REPORT

- Oswalt and Associates will be closing at the end of the month and plans to relocate operations to Brawley are underway.

13. CITY CLERK REPORT None to report

14. CLOSED SESSION

- Joint Powers Insurance Authority (JPIA) for Insurance Claims Discussions

The Legislative Body, as a Member of a Joint Powers Authority, formed for purposes of insurance pooling pursuant to California Government Code § 6500 et seq., will meet in closed session to discuss claims for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the Joint Powers Agency or a Local Agency Member of the Authority. There are 38 potential claims (California Government Code § 54956.9)

EXISTING LITIGATION (California Government Code §54956.9)

a. Conference with Legal Counsel – Two (2) Cases

- i. Frankie Rodriguez, Pablo C. Lopez, Marco A. Garcia, Omar Balderas, Gerardo Vindiola, David Villalobos, Julian Jimenez, Ricardo Rosales, Daniel Atondo, David Siquieroz, Jonathan Gutierrez, Anthony Padilla, Julio Velasquez, Roberto Orozco, Mariano C. Valenzuela, Jr., Raul Bernal, Ralph Walker, Jose Limon and Pete Guzman, on behalf of themselves and all other employees similarly situated vs. City of Brawley.
- ii. Brawley Public Safety Employee Association, Jeremy Schaffer, David Holetz, Jorge Garibay, Darlene Garcia, Dennise Montano, Nathan Montes-Gonzalez, Karla Razo, Daniel Swithenbank, Daniel Schleyer, Ricardo Gutierrez, Juan Morales, Ana Amaya, Brian Harsany, Angelica Garcia, Martha Garcia, Javier Martinez, Jake Yuhas, Dean Beckwith, Ricardo Valdez, David Pham, Stephen James Dyroff, Adriana Ruiz, Jon Dellinger, Isaac Romo, Jesse Yuhas, Susanne Nickel, Rudy H. Nunez, Diana Diaz, Sixto Moreno, Joon Kim, Francisco Mendoza, Maghen Caudill, Regina Kim vs. City of Brawley.

POTENTIAL LITIGATION (California Government Code §54956.9)

a. Conference with Legal Counsel – One (1) Case

REAL PROPERTY NEGOTIATIONS

a. Conference with Real Property Negotiator – (California Government Code §54956.8)

Address: 225 A Street, Brawley, California

Negotiator: City Manager

Negotiating Parties: Boys & Girls Club

Under Negotiation: Rate and Terms

b. Conference with Real Property Negotiator – (California Government Code §54956.8)

Address: APNs 047-231-013 and 047-231-014, Brawley, CA

Negotiator: City Manager

Negotiating Parties: R. Garcia Construction, Inc.

Under Negotiation: Rate and Terms

15. ADJOURNMENT @ 7:35pm

Alma Benavides, City Clerk